

## City of Marietta Meeting Agenda

CITY COUNCIL

William B. Dunaway, Mayor Annette Paige Lewis, Ward 1 Griffin "Grif" L. Chalfant, Jr., Ward 2 Holly Marie Walquist, Ward 3 Irvan A. "Van" Pearlberg, Ward 4 Rev. Anthony C. Coleman, Ward 5 James W. King, Ward 6 Philip M. Goldstein, Ward 7 205 Lawrence Street Post Office Box 609 Marietta, Georgia 30061

Wednesday, October 14, 2009

7:00 PM

**Council Chamber** 

## **CALL TO ORDER:**

**INVOCATION:** 

#### PLEDGE OF ALLEGIANCE:

#### **PRESENTATIONS:**

#### 20090873 Park Street Awards Presentations

Park Street Awards Presentations as part of our Public Power/Clean Water Week celebration

#### 20091039 Public Power and Clean Water poster contest winners

Karmen Scarbro and Kim Holland present Public Power and Clean Water poster contest winners from Park Street Elementary School.

**Public Power Contest Winners** 

Grand Prize - Vivian Natasya -5th grade 1st Place - Jose Perez Francisco- 4th grade 2nd Place - Kimberly Guzman- 3rd grade 3rd Place - Daniela Rodriguez- 4th grade

Clean Water Contest Winners

Grand Prize - Victor Ayala- 4th grade 1st Place - Maria Gallardo - 5th grade 2nd Place - Joanna Juarez- 4th grade 3rd Place - Eduardo Ochoa- 4th grade

#### **20091106** US 10K Classic

Presentation to the Mayor and City Council by Don Whitney, US 10K Classic.

#### **PROCLAMATIONS:**

## 20090997 Stay Fire Smart Don't Get Burned!

Lt. Tim Cameron, Marietta Fire Department accepts Proclamation declaring the month of October, 2009 as "Stay Fire Smart Don't Get Burned!" which

encompasses developing a safety plan to include smoke alarms and residential sprinkler installation and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires.

#### 20091057 Domestic Violence Awareness Day

Proclamation declaring October 22, 2009 as DOMESTIC VIOLENCE AWARENESS DAY throughout the City of Marietta, asking all to join together in efforts to eliminate domestic violence in our state, our counties and our homes.

# ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

#### **CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

#### **MINUTES:**

20090995 Regular Meeting - September 9, 2009

Review and approval of the September 9, 2009 regular meeting minutes.

\* 20091116 Special Called Meeting - October 9, 2009

Review and approval of the October 9, 2009 special called meeting minutes.

#### **MAYOR'S APPOINTMENTS:**

#### **CITY COUNCIL APPOINTMENTS:**

\* 20091003 Marietta Development Authority Vacancies

Motion appointing \_\_\_\_\_\_ to Post 3, for a term of 4 years and \_\_\_\_\_\_, to Post 5 for a term of 6 years to the Marietta Development Authority Board.

#### **ORDINANCES:**

## 20090933 Z2009-15 Chad Curry/ABC Sign Group, LLC 35 and 45 Aviation Road

Z2009-15 [REZONING] CHAD CURRY (ABC SIGN GROUP, LLC) request rezoning for property located in Land Lot 12360, District 16, Parcels 78 and 79, 2nd Section, Marietta, Cobb County, Georgia and being known as 35 and 45 Aviation Road from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 7.

Planning Commission Recommends Approval w/stipulation Vote: 5 - 0 - 0 Stipulation: To eliminate the required 5 foot landscape buffer with a solid fence or wall no less than 6 feet in height.

PUBLIC HEARING (all parties are sworn in)

#### 20090944 Z2009-16 John B. Harbour 33 & 37 Garrison Road

Z2009-16 [REZONING] JOHN B. HARBOUR request rezoning for property located in Land Lots 218 and 219, District 17, Parcel 114 and 21, 2nd Section, Marietta, Cobb County, Georgia and being known as 33 and 37 Garrison Road from R-3 [Single Family Residential 3 units/acre (City)] and R-20 [Single Family Residential (County)] to CRC [Community Retail Commercial (City)]. Ward 3.

Planning Commission Recommends Approval w/stipulation Vote: 5 - 0 - 0 Stipulation: To include a letter dated September 28, 2009 with the added stipulation that uses not mentioned in the presented plan be restricted.

PUBLIC HEARING (all parties are sworn in)

#### 20090945 **A2009-04 John B. Harbour 33 Garrison Road**

A2009-04 [ANNEXATION] JOHN B. HARBOUR request annexation for property located in Land Lot 02190, District 17, Parcel 21 and being known as 33 Garrison Road, 2nd Section, Cobb County, Georgia consisting of 0.78 acres. Ward 3.

Planning Commission Recommends Approval Vote: 5 - 0 - 0 Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

#### 20090946 CA2009-06 John B. Harbour 33 & 37 Garrison Road

CA2009-06 [CODE AMENDMENT] JOHN B. HARBOUR in conjunction with the requested annexation of property located in Land Lots 218 and 219, District 17, Parcels 114 and 21, 2nd Section, Marietta, Cobb County, Georgia, and being known as 33 and 37 Garrison Road, the City of Marietta proposes to designate the Future Land Use of said property as MXD (Mixed Use Development). Ward 3.

Planning Commission Recommends Approval Vote: 5 - 0 - 0 Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

#### \* 20091008 Code Enforcement - 1129 Mountain View Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1129 Mountain View Drive.

Listed Owner: Bank of America NA

Repeat Violation History: (4) previous cases since 2004.

Certified mail receipt received 09/21/09; not signed by registered agent.

Taxes paid: Yes

## \* 20091009 Code Enforcement - 1663 Barrington Overlook

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1663 Barrington Overlook.

Listed Owner: Taesha McLean

Repeat Violation History: (2) previous cases since 2008. Certified mail receipt received 09/25/09; "Unable to Forward."

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

## \* 20091011 Code Enforcement - 862 Meadow Place

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 862 Meadow Place.

Listed Owner: Hills, James J & Wanda S

Repeat Violation History: (4) previous cases since July, 1997.

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091043 Code Enforcement - 460 Glover Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 460 Glover Street.

Listed Owner: Adams Partnership; c/o Noah McKinnon Jr. Esq.

Repeat Violation History: None

Certified mail receipt received; signed by Rose Mattoon (unknown person).

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091045 Code Enforcement - 255 McIntosh Avenue

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 255 McIntosh Avenue.

Listed Owner: Walter Mortgage Company

Repeat Violation History: (3) previous cases since October 2008.

Certified mail receipt received signed; signature not legible.

Taxes paid: Yes

#### \* 20091046 Code Enforcement - 351 McArthur Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 351 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: (6) previous cases since 2004.

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

## \* 20091047 Code Enforcement - 353 McArthur Drive

[An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 353 McArthur Drive.

Listed Owner: Timothy Neal Weddington

Repeat Violation History: (4) previous cases since July 2008.

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091051 Code Enforcement - 97 Rigby Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 97 Rigby Street.

Listed Owner: Louise Burke Heirs At Law - c/o Hattie Scott Repeat Violation History: (5) previous cases since July 7, 2000.

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

## \* 20091052 Code Enforcement - 482 Hyde Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.

Listed Owner: Sammie Jean Stacy & Betty Louise Stacy

Repeat Violation History: (7) previous cases since May 15, 2006

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

#### \* 20091053 Code Enforcement - 496 Barnes Mill Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.

Listed Owner: Lanham Marjorie Juanita

Repeat Violation History: (16) previous cases since August 2001.

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

## \* 20091071 Code Enforcement - 1503 Church Street Extension

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1503 Church Street Extension.

Listed Owner: DBT Ventures LLC

Repeat Violation History: (2) previous cases since April 28, 2009. Certified mail receipt received 09/30/09; not signed by Registered Agent.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091072 Code Enforcement - 173 Hamilton Trace

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 173 Hamilton Trace.

Listed Owner: Ehrenberg Gerri

Repeat Violation History: (5) previous cases since January 14, 2002.

Certified mail receipt not received as of 10/02/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091073 Code Enforcement - 258 Scott Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 258 Scott Drive.

Listed Owner: Desautels Karen

Repeat Violation History: (7) previous cases since 11/13/06 Certified mail receipt received 09/11/06; signature not legible.

Taxes paid: Yes

#### \* 20091076 Code Enforcement - 1176 Roswell Road

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1176 Roswell Road.

Listed Owner: SunTrust Bank

Repeat Violation History: (1) previous case since July 8, 2009

Certified mail receipt not received as of 10/01/09.

Taxes paid: Unpaid, \$4,434.01 Owed PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

## \* 20091078 Code Enforcement - 186 Hedges Street

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 186 Hedges Street.

Listed Owner: Edna Marie Haygood Repeat Violation History: None

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091085 Code Enforcement - 397 Windsor Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 397 Windsor Drive.

Listed Owner: Peter F. & Susan M. Polyak

Repeat Violation History: (4) previous cases since May 21, 2007

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091086 Code Enforcement - 1204 Scripps Court

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1204 Scripps Court.

Listed Owner: Alexis A. Mills

Repeat Violation History: (2) previous cases since July 12, 1999

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

#### \* 20091087 Code Enforcement - 417 Cascade Drive

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgiat at 417 Cascade Drive.

Listed Owner: Neal K. Keys (deceased)

Repeat Violation History: None

Certified mail receipt received 09/23/09; signed by Hazel B. Bartlett (family friend

where mail is received).

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

## \* 20091089 Code Enforcement - 344 W. Post Oak Crossing

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 344 W. Post Oak Crossing.

Listed Owner: Mark J. Moorhead

Repeat Violation History: (5) previous cases since August 28, 2006.

Certified mail receipt received; signature not legible.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### \* 20091090 Code Enforcement - 354 W. Post Oak Crossing

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 354 W. Post Oak Crossing.

Listed Owner: Arias, Gilde

Repeat Violation History: (6) previous cases since August 27, 2007

Certified mail receipt not received as of 10/01/09.

Taxes paid: Yes

PUBLIC HEARING REQUIRED Philip M. Goldstein abstaining

#### **RESOLUTIONS:**

#### **CITY ATTORNEY'S REPORT:**

## CITY MANAGER'S REPORT:

## **MAYOR'S REPORT:**

#### **COMMITTEE REPORTS:**

## 1. Economic/Community Development: Grif Chalfant, Chairperson

#### 20091001 Marietta Growth Fund

Motion to establish a Grant/Loan Review Committee for the Marietta Growth Fund, with seven (7) members as recommended by staff and including the Chairman of the Economic Development Committee as a non-voting ex-officio member.

## 2. Finance/Investment: Annette Lewis, Chairperson

## \* 20090973 Franklin Road Early Learning Initiative

Approval of an Ordinance amending the Fiscal Year 2010 Weed and Seed Fund budget to accept additional funding of \$20,250 from the United Way of Metropolitan Atlanta to expand programming for the Franklin Road Early Learning Initiative.

## 3. Judicial/Legislative: Philip M. Goldstein, Chairperson

#### \* 20090716 Scenic Easement

Motion approving the Declaration of Scenic Easement for 1.023 acres, being the Common Area as shown on the plat of survey for Robert M. Goodman, Jr., Oakton, Inc. as attached.

## \* 20090776 Pedicabs

Ordinance to allow for Pedicabs along public streets.

## \* 20091004 Kennesaw Avenue Historic District Design Guidelines

Motion to authorize advertisement of a Public Hearing regarding the Kennesaw Avenue Historic District Design Guidelines set for November 11, 2009 City Council Meeting.

## 20091056 Bikes on Sidewalks

Approval of a Resolution allowing the operation of bicycles on sidewalks by persons 12 years of age and under.

## 4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

## \* 20091018 "Scare on the Square"

Motion to approve the temporary suspension of a portion of Ordinance 10-4-070(F) for the "Scare on the Square" event sponsored by the DMDA on Saturday, October 31, 2009, from 7:30 p.m. to Midnight.

## 5. Personnel/Insurance: Van Pearlberg, Chairperson

## \* 20090988 Marietta Museum of History Directors

Reappointment of Alice Summerour, Joe Kirby, Betty Lou Hunter, Brent C. Brown, Bill Kinney to the Museum of History Board of Directors, for 3-year terms expiring on October 31, 2012.

## \* 20090989 Marietta Museum of History Directors

Appointment of B. Andy Heaton and Douglas Frey to the Museum of History Board of Directors, for 3-year terms expiring on October 31, 2012.

## \* 20091028 Employee Sick Leave Incentive

Approval of an Ordinance amending City Code Sections 4-4-16-050 so as to change the calculation period for the Sick Leave Incentive.

#### \* 20091029 SPLOST Support Specialist Position

Ordinance amending the 2010 City of Marietta/Board of Lights and Water pay and classification plans and position allocation chart for the position of SPLOST Support Specialist.

## 6. Public Safety Committee: Anthony Coleman, Chairperson

## \* 20090970 Standard Operating Procedures

Motion approving revisions to the following Standard Operating Procedures for the Marietta Police Department: A012 Pursuit of Motor Vehicles, A044 Uniforms Equipment Departmental Property, A051 Media and Public Relations, P041 Pursuit of Motor Vehicles.

## \* 20091031 Request to Amend Fee Chart for Police Services

Approval of a Resolution amending the fee chart to include a new \$25 fee for expungement application processing and local records checks, and an increase in the criminal history records check fee from \$20 to \$25.

## 7. Public Works Committee: Jim King, Chairperson

## \* 20091015 2005 SPLOST Memorandum of Understanding

Motion approving a Memorandum of Understanding with Cobb County to reallocate funds for the Powder Springs Connector project.

#### 20091016 Carriage Oaks Drive at Old Canter Court Intersection

Motion authorizing the Public Works Department to install 3-way stop signs at the intersection of Carriage Oaks Drive and Olde Canter Court and Carriage Oaks Drive as indicated on attached map.

## \* 20091026 Fairground Street Improvements

Motion authorizing the Public Works Department to remove the Lawrence Street and Black Street intersection improvements from the Fairground Street Improvements List.

#### 20091032 East Park Square Parking

Motion approving the installation of signs at two parking spaces "for use by Law Enforcement and District Attorney's Office Only" on East Park Square.

## \* 20091033 GDOT Mowing and Maintenance Agreements

Motion authorizing the Public Works Department to sign the GDOT Mowing and Maintenance Agreements as attached.

#### \* 20091110 Property Acquistions for Fairground Street

Motion authorizing acquisition of right-of-way and easements within the following properties for the purposes of Fairground Road Improvements:

480 Fairground Street from Turner Chapel AME in exchange for \$4269 (Allgood to N. Marietta Pkwy)

586 Kenneth Marcus Way from Turner Chapel AME in exchange for \$23,849 attached. (Allgood to N. Marietta Pkwy)

74 Black Street from Bailey Realty Assoc. in exchange for \$750 (S. Marietta Pkwy to N. Marietta Pkwy)

155 S. Fairground Street from Hubert F. & Jo B. Bagwell in exchange for \$3995 (S. Marietta Pkwy) to N. Marietta Pkwy)

## \* 20091112 Property Acquistion Donations

Motion to accept the following donations of properties:

Temporary easement for the purpose of the Kennesaw Avenue Road Improvement Project:

601 Oakledge Drive from Beth Cox

Temporary easement for the purpose of the Powder Springs Road and Streetscape Project:

680 Powder Springs Road from Young Thomas Heritage Properties with stipulation that signage is not to be disturbed.

## \* 20091117 Property Acquistion for Roswell Street Improvements

Motion authorizing acquisition right-of-way and easement within the following properties for the purposes of Roswell Road Street Improvements:

863/865/879 Roswell Street from Banister in exchange for \$67,350 with letter of stipulations attached. (Victory Drive to Cobb Pkwy)

933 Roswell Street from Horace Orr Post 29 Inc. in exchange for \$17,825 (Victory Drive to Cobb Pkwy) with no stipulations.

## \* 20091118 Property Acquistion for Franklin Road Project

Motion authorizing acquisition right-of-way and easement within the following properties for the purposes of the Franklin Road Streetscape and road project, between S. Marietta Pkwy and Delk Road. With stipulations as attached. 2150 Delk Road from Cracker Barrell Old Country Store Inc. in exchange for\$9530 (S. Marietta Pwky- Delk Rd.)

#### \* 20091119 Property Acquistions for Powder Springs Road Streetscapes Project

Motion authorizing acquisition the following properties for the purposes of the Powder Springs Road Streetscapes and road improvements: 692 Powder Springs Street from Century Partnerships in exchange for\$30,393 with letter of stipulations attached.

761 Powder Springs Street from Georgia Federal Savings in exchange for\$35,800 with letter of stipulations attached.

#### **SCHEDULED APPEARANCES:**

Larry Wills

#### **UNSCHEDULED APPEARANCES:**

#### **OTHER BUSINESS:**

## \* 20090990 National League of Cities 2009 Congress of Cities and Exposition

Motion approving travel and training expenses for Mayor and Council members who wish to attend the NLC 2009 Congress of Cities and Exposition in San Antonio, Texas, November 10-14, 2009.

Council member Jim King opposed

## \* 20090991 NLC Annual Congress of Cities Business Meeting

Motion approving the appointment of Philip M. Goldstein as voting delegate and Annette Lewis as alternate voting delegate for the NLC Annual Congress of Cities Business Meeting on Saturday, November 14, 2009, in San Antonio, Texas.

## \* 20091022 Combined Cycle Power Sales Contracts-First Amendment

Motion to authorize execution of the BLW Resolution with the Municipal Electric Authority of Georgia (MEAG) authorizing the execution and delivery of a First Amendment to the amended and restated Combined Cycle Power Sales Contracts, as recommended by the Board of Lights and Water.

## \* 20091023 Municipal Competitive Trust-Second Replacement Amendment

Motion to authorize the execution and delivery of a BLW Second Replacement Amendment to the Municipal Competitive Trust as presented, as recommended by the Board of Lights and Water.

#### **20091036** City website

Motion to approve elected officials' use of city web site stating "unless the message has been generated as the official policy of the City, there shall be a disclaimer that the posting is of the individual and does not represent the position of the City of Marietta."

#### \* 20091048 Civil Service Board Uncontested Election

Motion approving the certified Uncontested Election results for the Marietta Civil Service Board Post 2 vacancy, electing Edgar Darden Borders, II for a term of three years, effective January 1, 2010 and expiring on December 31, 2012.

## \* 20090992 BLW Actions of September 14, 2009

Review and approval of the September 14, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

## \* 20090993 BLW Actions of October 12, 2009

Review and approval of the October 12, 2009 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

#### **ADJOURNMENT:**